REMARKS

In the office action mailed 7 August 2007, the examiner objects to informalities in claims 39 and 49. In response, the applicants amend claims 39 and 49 as shown above to correct the informalities. No new matter is added.

The examiner also rejects independent claims 1, 39, 58, 88, and 119 under §102(e) as anticipated by Heinila (US6757345). Heinila describes a delay search process for identifying delays for RAKE fingers in a RAKE receiver. The search process in Heinila traverses a trellis using a Viterbi algorithm to determine the RAKE finger delays. Heinila's search process relies on selecting the finger delays corresponding to the search path having the highest weight value.

In response, the applicants amend independent claims 1, 39, 58, 88, and 119 to generally include the limitations of claims 2 and 4. The applicants further cancel claims 2, 43, 59, 93, and 121, and amend claims 3 – 6, 8, 44 – 47, 49, 60, 94, 95, 122, and 123 in light of the cancelled claims and amendments to the independent claims. No new matter is added.

As amended, the independent claims require traversing downward through the delay tree and identifying one or more surviving nodes at each level during the downward traversal by comparing the value associated with each node traversed to a predetermined threshold. The examiner concedes that Heinila does not teach or suggest the claimed threshold. However, the examiner asserts that the claimed threshold is an obvious modification in view of Heinila's teaching that the selection process selects the finger delay corresponding to the node with the highest weight.

The applicants respectfully disagree. First, a delay tree is not the same as a trellis. Further, the trellis-based Viterbi algorithm used by Heinila uses a weighting process to determine the shortest path through the trellis. As well known to those skilled in the art, a trellis-based Viterbi process does not use thresholds. Further, it is unclear how a trellis-based Viterbi process could or would be modified to include the use of thresholds. Because threshold-based
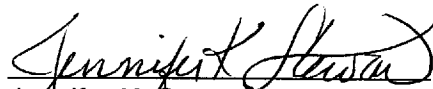
selection is not part of or inherent to any type of trellis-based Viterbi search process, such as that used by Heinila, it is not obvious to modify Heinila's selection process to use a threshold, as suggested by the examiner. For at least this reason, the independent claims as amended are patentably distinct from Heinila.

Lastly, the applicants note that the "Amendments to the Claims" withdraw claims 28 – 38 and 81 – 87 in light of the finality of the previous restriction requirement. However, please note that the applicants filed a "Petition to Review the Restriction Requirement under 37 C.F.R. §1.144" on 21 August 2007. To date, the Petition has not yet been reviewed.

In light of the above remarks and enclosed amendments, the applicants request that the examiner withdraw all rejections and objections and issue a Notice of Allowance. Should any issues remain unresolved, the applicants request that the examiner call the undersigned so that any such issues may be expeditiously resolved.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.

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Jennifer K. Stewart
Registration No.: 53,639

1400 Crescent Green, Suite 300
Cary, NC 27518
Telephone: (919) 854-1844
Facsimile: (919) 854-2084